

Crl. Misc. (B) Case No. 528/2020

ORDER

28-09-2020

Heard learned Advocate Mr. Ajit Borgohain for the accused and learned Addl. PP for the State.

Submission made on behalf of the accused is that the elder brother of the accused was an active member of BJP of Chabua and after passing of the Citizenship Amendment Act, he resigned from the party and his entire family along with the accused withdrew his support from the BJP and they supported the protest against the Citizenship Amendment Bill for which a criminal conspiracy has been hatched against the accused.

It is submitted that the victim girl in her statement mentioned that one Bircha took her to the garden and raped her, whereas the accused Robin Baruah, the Headmaster of Hatigondhai LP School has been arrested in this case.

The bail application of this accused was rejected vide order dtd. 19-09-2020 in Crl. Misc. (B) Case No. 492/2020 after perusal of the CD. The said order reflects that due to confusion from the statement of the victim girl in naming the accused, CD was called for to clear the same and after going through the CD, there remains no doubt about the identity of the accused, as this accused along with the victim girl were caught by public and taken to the police station.

Along with the bail petition, cutting of paper report of 12th September, 2020 is enclosed wherein it is mentioned that in conspiracy, the accused Robin Baruah has been implicated in a rape case. The copy of the affidavit sworn by Ridip Phukan is also enclosed. Ridip Phukan appears to be the Gaonburah of Chetia Gaon under PS Chabua and he stated that he knows the accused since childhood and that Robin Baruah is associated with many social work and has been falsely implicated in Chabua PS Case No. 165/2020.

The order dtd. 19-09-2020 passed in Crl. Misc. (B) Case No. 492/2020 hereby rejecting the bail prayer of the accused after perusal of the CD is specific

Contd.

as to the offence and identify of the accused. Whatever may be the position of the accused, the alleged offence against him do not make him entitled to go on bail in such cases where the allegation is of rape. The victim girl has specifically mentioned that she was raped and the accused caught by the public.

There appears to be no reasonable ground for reconsidering the order dtd. 19-09-2020 of rejection of bail. Hence, this bail application stands dismissed.

Misc. case stands disposed off.

Let a copy of this order be released as certified to be true copy under the signature of the Bench Assistant.

Sessions Judge,
Dibrugarh